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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2011-1190

**SARAH REYES JORGENSEN
1051 Chanticleer Avenue #5
Santa Cruz, CA 95062**

A C C U S A T I O N

Vocational Nurse License No. VN 236622

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 17, 2008, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 236622 to Sarah Reyes Jorgenson (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section **118(b)** of the Code provides, in pertinent part, that the expiration of a license

1 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
2 within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1
3 of the Code, the Board may renew an expired license at any time within four years after the
4 expiration.

5 5. Section **2875** of the Business and Professions Code (Code) provides, in pertinent part,
6 that the Board may discipline the holder of a vocational nurse license for any reason provided in
7 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

8 STATUTORY PROVISIONS

9 6. Section **2878** of the Code states in pertinent part:

10 The Board may suspend or revoke a license issued under this chapter [the Vocational
11 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the following:

13 (1) Incompetence, or gross negligence in carrying out usual nursing functions.

14 ...

15 7. California Welfare and Institutions Code section **15630** states, in pertinent part:

16 (a) Any person who has assumed full or intermittent responsibility for the care or custody
17 of an elder or dependent adult, whether or not he or she receives compensation, including
18 administrators, supervisors, and any licensed staff of a public or private facility that provides care
19 or services for elder or dependent adults, or any elder or dependent adult care custodian, health
20 practitioner, clergy member, or employee of a county adult protective services agency or a local
21 law enforcement agency, is a mandated reporter.

22 (b)(1) Any mandated reporter who, in his or her professional capacity, or within the scope
23 of his or her employment, has observed or has knowledge of an incident that reasonably appears
24 to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial
25 abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced
26 behavior, including an act or omission, constituting physical abuse, as defined in Section
27 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects
28 that abuse, shall report the known or suspected instance of abuse by telephone or through a

1 confidential Internet reporting tool, as authorized by Section 15658, immediately or as soon as
2 practicably possible. If reported by telephone, a written report shall be sent, or an Internet report
3 shall be made through the confidential Internet reporting tool established in Section 15658, within
4 two working days

5
6 8. California Code of Regulations, Title 16, section **2518.5**, states:

7 The licensed vocational nurse performs services requiring technical and manual skills
8 which include the following:

9 (a) Uses and practices basic assessment (data collection), participates in planning, executes
10 interventions in accordance with the care plan or treatment plan, and contributes to evaluation of
11 individualized interventions related to the care plan or treatment plan.

12 (b) Provides direct patient/client care by which the licensee:

13 (1) Performs basic nursing services as defined in subdivision (a);

14 (2) Administers medications;

15 (3) Applies communication skills for the purpose of patient/client care and education; and

16 (4) Contributes to the development and implementation of a teaching plan related to self-
17 care for the patient/client.

18 9. California Code of Regulations, Title 16, section **2518.6**, states:

19 (a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by actions
20 that include but are not limited to the following:

21 (1) Reporting to the Board acts specified in Sections 2878 and 2878.5 of the Business and
22 Professions Code;

23 (2) Documenting patient/client care in accordance with standards of the profession; and

24 (3) Performing services in accordance with Section 125.6 of the Business and Professions
25 Code.

26 (b) A licensed vocational nurse shall adhere to standards of the profession and shall
27 incorporate ethical and behavioral standards of professional practice which include but are not
28 limited to the following:

1 (1) Maintaining current knowledge and skills for safe and competent practice;
2 (2) Maintaining patient/client confidentiality;
3 (3) Maintaining professional boundaries with the patient/client;
4 (4) Abstaining from chemical/substance abuse; and
5 (5) Cooperating with the Board during investigations as required by Section 2878.1 of the
6 Business and Professions Code.

7 (c) A violation of this section constitutes unprofessional conduct for purposes of initiating
8 disciplinary action.

9 10. California Code of Regulations, Title 16, section **2519**, states:

10 As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional
11 conduct and is a ground for disciplinary action. As used in Section 2878 "gross negligence"
12 means a substantial departure from the standard of care which, under similar circumstances,
13 would have ordinarily been exercised by a competent licensed vocational nurse, and which has or
14 could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify
15 the belief that there was a conscious disregard or indifference for the health, safety, or welfare of
16 the consumer shall be considered a substantial departure from the above standard of care.

17 11. California Code of Regulations, Title 16, section **2520**, states:

18 As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct
19 and is a ground for disciplinary action. As used in Section 2878 "incompetence" means the lack
20 of possession of and the failure to exercise that degree of learning, skill, care and experience
21 ordinarily possessed and exercised by responsible licensed vocational nurses.

22 12. California Code of Regulations, Title 16, section **2520.2**, states:

23 Pursuant to Welfare and Institutions Code Section 9381, licensed vocational nurses are
24 mandated to report any known or suspected instance of elder physical abuse to an elder protective
25 agency. Failure to make an elder physical abuse report as required shall constitute unprofessional
26 conduct within the meaning of Business and Professions Code Section 2878(a).

27 13. California Code of Regulations, Title 16, section **2520.3**, states:

28 Pursuant to Welfare and Institutions Code Section 15630(a), licensed vocational nurses are

1 mandated to report any known or suspected instance of dependent adult abuse to an adult
2 protective agency. Failure to make a dependent adult physical abuse report as required shall
3 constitute unprofessional conduct within the meaning of Business and Professions Code Section
4 2878(a).

5 COST RECOVERY

6 14. Section **125.3** of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 FACTUAL SUMMARY

11 15. From 2010 until in or about September, 2011, Respondent worked as a licensed
12 vocational nurse at Cresthaven Nursing Home (hereinafter "Cresthaven") in Santa Cruz,
13 California. Beginning in October, 2010, and during the remainder of the time that Respondent
14 worked there, Respondent was the Director of Staff Development at Cresthaven. Respondent's
15 duties included training and instruction of nursing staff regarding nursing standards of care.

16 16. In or about December, 2010, and January-February, 2011, Respondent became aware
17 of several incidents during which a Cresthaven staff member had abused a patient. Respondent
18 learned that the staff member had repeatedly slapped an elderly female resident, patient W.M.,¹
19 on her behind. On one occasion, Respondent heard the staff member threaten to give patient
20 W.M. "a shot" if the patient would not be quiet. Respondent was informed of another occasion
21 during which the staff member was "grinding" on patient W.M. Respondent later admitted during
22 an interview that her understanding of the nature of the staff member's actions was such that, had
23 the staff member done these same acts to Respondent's own mother or grandmother, Respondent
24 would have been furious and probably would have punched the staff member. Respondent failed
25 to report these instances of abuse to an elder or adult protective services agency, or to the Board,
26 as required by law.

27 _____
28 ¹ The identity of patient W.M. is withheld to protect patient privacy.

1 17. In or about September, 2011, Respondent was responsible for providing nursing care
2 to patients W.M. and V.M. The physicians for both patients had prescribed the administration of
3 two different types of insulin medication.² The medications were to be administered separately.
4 The packages for these medications specified that they could not be combined in a single dosage.
5 On or about September 9, 2011, both patients stated that they had been receiving single injections
6 of the two medications combined in one syringe. Patient V.M. stated that Respondent was the
7 nurse who had been administering these combined injections to him.³

8 18. During 2011, Respondent provided training to nursing staff at Cresthaven with regard
9 to the administration of medications to patients. Respondent misinformed staff members
10 regarding administration procedures, as follows:

11 a. Respondent informed and instructed staff members that it was permissible to combine
12 different types of insulin into a single injection for administration to patients.

13 b. Respondent informed and instructed staff members that medication can be
14 administered to reluctant patients by giving the medication to Cresthaven's cook, without the
15 patient's knowledge, to be placed into the patient's food. Respondent distributed a list of problem
16 patients to staff. With regard to administration of medication to one particular patient,
17 Respondent's written materials specified: "Give it to the cook." Respondent informed the staff
18 members that she had utilized this method.

19 ///

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21 ///

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24 ///

25 ² Patient W.M. had been prescribed Lantus insulin (a long-acting medication) and
26 Humalog insulin (a short-acting medication). Patient V.M. had been prescribed Lantus insulin
and Novolin (a short-acting medication).

27 ³ Patient V.M. stated that he preferred Respondent's approach, as it resulted in one
28 injection instead of two.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 19. Respondent is subject to disciplinary action under section 2878 and 2878.1 of the
4 Code in that she acted unprofessionally, as set forth above in paragraphs 15-18.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Gross Negligence/Incompetence)

7 20. Respondent is subject to disciplinary action under section 2878(a)(1) of the Code in
8 that she acted with gross negligence and/or incompetence in carrying out her nursing functions, as
9 set forth above in paragraphs 15-18.

10 **PRAYER**

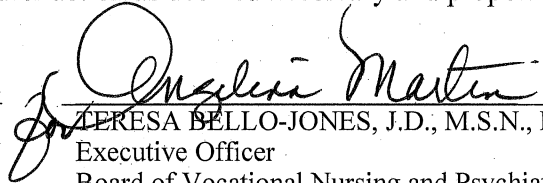
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, Board of Vocational Nursing and Psychiatric Technicians issue a
13 decision:

14 1. Revoking or suspending Vocational Nurse License Number VN 236622, issued to
15 Sarah Reyes Jorgenson;

16 2. Ordering Sarah Reyes Jorgenson to pay the Board of Vocational Nursing and
17 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Business and Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: January 2, 2013

21 
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California
27 Complainant
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